

N/A Indigent

Federal Bureau of Investigations  
Attn: Cleveland Field Office  
~~Cleveland, OH~~  
1501 Lakeside Ave.  
Cleveland, OH 44114



James E. Horton  
N/A Indigent  
Email Address: jankoves@gmail.com

Federal Bureau of Investigation  
1501 Lakeside Ave  
Cleveland OH 44114

To whom this may concern,

On 01/12/2020, I reported portions of the attached information via the FBI's online tip form. I selected "Ohio" for region. Limitations of content precluded report as thoroughly intended. Therefore, I am, hereby, corresponding to report full intent in letter by mail.

P.S. I am, hereby, attempting to send information again due to the following:

On 02/12/2020, I attempted making of information at a post office service located inside, and attached to, a grocery store at: Rileys, 4850 Natoma Blvd, Sacramento, CA 95835. I paid for certified mail. Staff fraudulently defaulted to interfere with this post as mail theft and tampering.

The female, customer-service employee instigated bisterous threats to forever deny postal service to myself personally during transaction. (I have experienced stalking, harassing surveillance by an entity's "plant" colluding with management for this malicious, personal attention. He had observed my preparation of the mailing in its dining area.) During her commotion, distracting, she omitted full address to the Cleveland FBI Field Office. Her act conspicuously was by means real intent in same conspiracy reported as proven prima-facie. Just prior, immediately upon my arrival to the service line, with a long line and thirty-five minutes before close, she was called to an abnormal and inappropriately-timed break for a consultation meeting in a private office (which harassed with time-delay and waste).

Since reasonably suspicions of a conspiracy to commit mail fraud and theft, I also reported via the IC<sup>3</sup> Internet Complaint Form shortly thereafter. I do, however, intend to correspond directly to the Cleveland Field Office. Furthermore, I left a message relaying said suspicions by phone at (216) 522-1400 for attention to this situation. I requested to record my message.

Date:

Thank You,

James E. Horton  
James E Horton



## INFORMATION

I am, hereby, reporting crimes: Criminal Record Tampering, destroying evidence; Conspiracy to Commit Unconstitutional Infractions, various heinous crimes of Racketeering (RICO Violations) and all types of Foulplay. I am certain that same acts are retaliatory-malicious toward this innocent, potential witness.

I do not have time (overburdened) to prepare original averments; documentary citations should be self-explanatory.

Email Correspondence with Stark County Court of Common Pleas Clerk:

From: Ferna Pileggi

fpileggi@starkcountyohio.gov

To: Me

Date: 1231219 11:45 PM

I spoke with my supervisor. We don't usually make a copy of the sheet with someone's name on it. I did photocopy it and enclose it for you.

Ferna Pileggi

Deputy Clerk

(330) 451-7796

From: Me

To: fpileggi@starkcountyohio.gov

Date: 01012020 8:34 PM

Thank you for your response. I appreciate the query report of case numbers associated with same name as mine. It was helpful toward my objective.

Since "Personal papers and effects have been illegally seized and stolen (by conspirators colluding in misconduct)," I need to identify specific case pertinent for recovery of my personal records. Could you please inform, by reply, of which cases (of either 2001JCV116343, 2001JCR120041, 2003DR00063 or 2003JG011286) also mention one Marie Brosky or Marie Beaver as party? Thank you

From: Ferna Pileggi

fpileggi@starkcountyohio.gov

To: Me

Date: 01022020 7:23 AM

Mr. Horton,

This department only applies to the DR and JCV cases. DR cases are public record and your case (2003DR00063) does not refer to Marie Brosky or Marie Beaver. As to the JCV case (2001JCV116343), it is not public record so I cannot give you any information. If you are in town, please come in with your picture ID and we will give you any info you want. If you are out of town, please make a copy of your driver's license and have it notarized and send it to us with your request.

As to the other cases:

2001JCR120041 ♦ Call the Juvenile Criminal Department at (330) 451-7757

2003JG011286 ♦ Call the Civil Department at (330) 451-7795

From: Me

To: fpileggi@starkcountyohio.gov

Date: 01092020 7:25 PM

I am certain, living my life, that there was a DR case pending 1999 through 2004 approximately! Marie Brosky was party. During, her name changed to Beaver. It involved custody of one Tia Horton. The others are her juvenile delinquency cases while in custody of the former, and an African-American foster family who harassed me for non-entitled child-support. What is the number of this custody case requested? Also, please provide, by reply, summary information of 2007030022.

If the case described with my request does not exist, there conspicuously has been criminal record tampering and destruction. I do have proof of organized crime motive. It has been a recurring problem in my matters from these organized criminals colluding with infiltrated.

What is this number. What is 2007030022, a separate case about? I expect obligatory answer!

From: Cathy Altieri

CMAltier@starkcountyohio.gov

To: Me

Date: 01092020 7:51 AM

Any questions regarding this case please contact Stark County Family Court (2007030022) ♦ Any further questions you can contact me at 330-451-7792. Thank you- Cathy

From: Ferna Pileggi

Sent: Thursday, January 09, 2020 10:41 AM

To: Cathy Altieri

Subject: FW: Searching James E. Horton

Cathy,

Please read all of the emails. He sent the latest one and I don't know what to answer. Thank you. Ferna

On Thu, Jan 2, 2020, 7:23 AM Ferna Pileggi <fpileggi@starkcountyohio.gov> wrote:

(Pileggi sent, by reply, above emails to Cathy Altieri.)

From: Me

To: CMAltier@starkcountyohio.gov

Date: 01092020 9:59 PM

Hello,

I have been redirected with my inquiries. For clarity, do you work for the Stark County Court of Common Pleas? A search of its website was without results. If so, what job description do you have?

In my situation communications need to be by email. I am extremely time-consuming by various malicious, procedural harassments and obstructions. It is not practicable to attempt phone calls. Email is available for efficient, convenient correspondence in matters.

From: Cathy Altieri

CMAltier@starkcountyohio.gov

To: Me

Date: 01102020 6:08 AM

Yes, I work for Stark County Clerk of Courts, family court division. [Concluded]



Below is content of a Petition for Writ of Mandate prejudiced by District Court of California. Subsequently the Supreme Court procedurally defaulted (formally) on challenging Petition for Writ of Review denying its delivery. I have postal tracking proof that it was delivered.

By my experiences, I have reason to know that some of these involved conspirators are members of an "Attorney Unit" criminally colluding, ex parte, with all public official parties coercing themselves on these matters interstate. This anomalous "Attorney Unit" is mentioned within.

Content cited from said petitions.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, THIRD APPELLATE DISTRICT... Superior Court No. 15-6705, 13-3628, 13-23865, 14-1219 Court of Appeal No. PETITION FOR WRIT OF MANDATE AND MOTION TO JOIN DER CAUSES FOR EXTRAORDINARY RELIEF. TO PRESIDENT JUDGE OF THE COURT OF APPEAL THE STATE OF CALIFORNIA, COUNTY OF YOLO, THIRD APPELLATE DISTRICT... WHEREFORE, here comes Petitioner, James E. Horton, moving this Court to: 1. immediately stay all proceedings in primary case at issue, case 15-6705, until further order of this Court of Appeal, 2. issue a peremptory writ of mandate commanding Respondent Court to return conviction upon a mistrial and wrongful verdict and dismiss charge because of denial of Petitioner's fundamental rights to Speedy Trial and Due Process; 3. Joinder of all other cases named herein as causes for Extraordinary Remedy together with primary case, immediately stay all proceedings for each, and issue a peremptory writ of mandate commanding Respondent Court to dismiss all other respective charges (13-3628, 13-23865, and 14-1219) and to terminate all prosecutorial action against Petitioner with item #2 above; and 4. Any such other relief as may be appropriate and just. STATEMENT OF FACTS... Three years and seven months ago, prosecutorial action (still pending) was initiated against Petitioner, James E. Horton... Public Officials... together have committed the following actions (both in court and out-of-court colluding):

\* The first case (case: 13-3628) amongst Malicious series of Prosecutorial Harassments initiated 06/24/2013 charging violation of... Resisting Arrest. Immediately post arraignment, Public defender (Ron Howard) overzealously and inexplicably raised Unreasonable and Malicious Doubt of Petitioner's COMPETENCE TO STAND TRIAL during open pretrial conference. Howard based Doubt raised solely on police report without adequate consultation due per Fiduciary Duty respective to an Attorney's Oath. Furthermore, during same hearing, Public Defender requested to "Fast Track" said case as he verbalized according as to local procedure invented as termed (at least at current time). Procedure (anomalous and arbitrary) was granted upon his request. It prejudiced fundamental Due Process Rights prima-facie, therefore, in response, Petitioner filed a Faretta motion raising issue of Substantial Conflict Irreconcilable due to Incompetent and Ineffective Counsel by the Public Defenders' Office. Court granted, upon second Faretta motion, Waiver of Counsel and Self-Representation on 02/24/2014. Since Waiver of Counsel, Petitioner filed pretrial motions (timely and proper with full merit) defending that prosecution lacked probable cause upon a pretextual, malicious, false arrest. These were prejudicially denied. Court maliciously continued pursuing wrongful prosecution. Petitioner continued challenging prejudicial errors and denials yet case is still pending.

\* Subsequent to this first arraignment, an overburdening series of actions began. Four additional, frivolous charges initiated. At respective arraignments, Counsel was appointed for three of them (Cases: 13-23865, 14-1219 and 14-4497).

\* During pendencies, appointed counsel orally motioned for another anomalous procedure for all these subsequent cases together which Judge Daniel Maguire agreed to and ordered. Said to be "trailing," but not joindered, all cases versus Petitioner were made to be scheduled consecutively and concurrently on the docket. As a result, all hearings were scheduled for all cases simultaneously. Scheduled hearings, actually, were discriminatorily truncated with obstructionist effect. Throughout, Maguire continually prejudiced Petitioner's time for Due Process procedure to be heard on matters for even first case while others were postponed and said to be "trailing" as aforementioned. Ironically, abusing discretion, he rationalized claiming "interest of the time of the court" with an "overburdened docket." Contrarily, Petitioner continually argued court maliciously discriminated against him when considering same basis...

\* Subsequent case: 13-23865 also initiated by the West Sacramento Police Department upon first contact on 10/07/2013. Petitioner, on date, was charged with Illegal Scavenging... for taking one bottle from a garbage can... On 05/09/2014, Petitioner appeared in Department 7 (of old court house in Woodland) of Criminal Court before Judge Maguire for hearing upon Motion to Dismiss in first case (13-3628). Suddenly, in open court, Judge opened proceeding by presenting unexpected Petitioner with the addition of this case to the Criminal Court docket. Judge called Public Defender, Karen Soel (present for other cases on same day's docket), to the bench since appointed at pretrial conference in case numbered: 13-23865 on 04/09/2014. Per incompetent, arbitrary request of said public defender, Respondent court grossly abused discretion granting invented procedure that Due Process for said case "trail" case: 13-3628. Thereby, in effect, Due Process on subsequent case was postponed until completion of first case. Otherwise, court treated case as if joindered in error within minutes recorded, and yet severely, for each case. Counsel's request was without consent of Petitioner and without consultation. Consequently, procedure on it has thus far been totally neglected, then deprived? procrastinated on by public officials. Meanwhile, minutes for each proceeding are recorded severely for all case dockets simultaneously as scheduled concurrently (as if joindered without relevant nexus) and with inadequate time for oral hearing procedure imposed? gross procedural anomaly unjustifiable.

\* Case: 14-1219 involves charge of a camping infraction... Facts of incident upon which citation was based include: 1) Circumstantiality... He sat under an overhang to escape rain (on said date) with unprotected case files and work product on his person. He informed the... Officer of these exculpatory facts during an investigatory stop. Still, the officer, irrespective of Totality of Circumstances, cited... frivolously. This case also was transferred in error to Department 7 of Criminal Court by anomalous procedure. Actually, (by malicious incompetence) two arraignments were set. As reflected by Minutes within Case summary report, an arraignment as scheduled aforesaid in Traffic Court for 03/26/2014 was rescheduled (recorded in minutes to be "vacated?"), ex-parte and out-of-court, to earlier date of 03/24/2014 in Criminal Court, Department 7 (of old court house in Woodland) and "Assigned to Judge Maguire." Petitioner appeared on same date as scheduled for Trial Setting Conference in first case: 13-3628. He was suddenly presented unexpectedly with the addition of this case to the Criminal Court docket two days prior to its actual, original arraignment in Traffic Court. Petitioner was then spontaneously arraigned, he pled Not Guilty. Public Defender was appointed. At Pre-Trial Conference on 04/29/2014, per request of Public Defender granted in error, said case was accrued to dockets of "trailing" cases as aforementioned (contrary to Petitioner's stated desires for defense). Case is still pending, "trailing" also neglected.

\* Anomalous procedure motioned for aforesaid grossly prejudiced Petitioner prima-facie. By such gross abuses of discretion, Due Process has been grossly denied. Petitioner expressed contrary desires during very few, inadequate consultations with counsel. Furthermore, although cases subsequent were repeatedly vacated (unspoken) as "trailing," still records (Minute Sheets and Case Summary Reports) falsely reflect "Matter Heard?" for hearings in each severely. Thereby, cases have compounded together to Overburden simultaneously. Above also constitutes extreme Abuse of Legal Process violating petitioner's Speedy Trial and Fair Trial Rights. Repeatedly (both to counsel in meeting and in open court), he has raised discrepancy about these acts of Procedure, Misconduct and Harassment. Continually, he has been prejudicially ignored on issue. Court has responded only incrementally more and more Malicious and Retaliatory.

\* During pendencies, Court obligated Petitioner to attend total of 45 pretrial hearings and 3 days of 1 trial for which sentence hearing and judgement are delayed. The trial is not concluded. Hearings have resulted in a long train of blatant prejudicial denials flying in the face of Constitutional Rights.

\* Since commencements, Petitioner successfully raised issues of substantial conflict due to ineffective counsel (complete) adverse to adequate defense violating attorney-client privilege and Attorney's Oath) and right to waive counsel. Therefore, court granted right to self-represent in all case during oral hearing on 12/07/2015 upon reasoning above herein. Need for competent counsel necessitated assertion of right? Petitioner is law trained.



\* A case: 14-4497 initiated by Woodland Police Department alleging violation of PC 415(1). Facts are that a Corporal baited Petitioner by blocking entrance to Police Station retaliating against his intent to acquire a citizen's complaint form concerning prior misconduct. Said case was dismissed upon motion to dismiss (of Petitioner, Pro Se) and for lack of sufficient evidence on 01272016. As a result, Petitioner cause for civil action.

\* Numerous times, in various ways, within pretrial motions to dismiss with merit, Petitioner has raised point headed as follows: DEFENDANT'S RIGHT TO FAIR TRIAL PREJUDICED BY PROTRACTED RESTRAINT OF HIS LIBERTY TO AN AREA.

\* Present case primarily at issue (15-6705) initiated with a Malicious Arrest on 02182015 in Woodland, CA made solely on information uncorroborated and during accuser's dispatch call a false, malicious report. Arrest was made away from scene of incident. Original complaint alleged violations of two charges: PC 647 6(A), Annoy/Molest Child, and PC 415(1), Fight/Challenge Fight. Arraignment was scheduled on 05142015 at Respondent Superior Court. Prior to arraignment aforementioned, Prosecution rejected said case for lack of sufficient evidence? (On date, Petitioner arrived, court was not even in session. Inquiring at clerk of court and the D.A. Office, he learned of rejection by a hand-delivered letter. Letter was addressed to indigent? without mailing address provided on served motions.) On 12072015, however, at trial readiness for first case: 13-3628, Judge Maguire opened hearing informing of a new act of prosecution charging violation of PC 415(1) with 647 6 dropped for lack of sufficient evidence. The Court immediately expedited this new case reinitiated to trial as primary emphasis on docket. Maguire set continuances for other (prior) cases per trailing? procedure. Conspicuously, timing of action was tactical toward Abuse of Legal Process with intent to Overburden Petitioner's Right to Fair Trial.

\* On 02172016, Petitioner filed Common Law Motion to Dismiss Because of Denial of Right to Speedy Trial, Due Process and Fair Trial in case: 15-6705 arguing Bad-faith delay of nine and one half months, without showing of good cause, from arrest to arraignment, constituted procrastination of public officials? denying Fundamental Rights. (Please refer to Appendix \_\_\_\_.) Also, on 02192016 he filed Notice of Motion to Dismiss Because of Denial of Right to Speedy Trial responsive to Prosecution's untimely disclosure of discovery, and in open court, during jury trial date on 02152016. Therein, he addressed: Procrastination of public officials has caused (another) two months of bad-faith delay? pursuant to PC ss 1382 (30-day rule)? since case needed continuance until 04112016. Court prejudicially denied both motions on 03232016. (Please refer to Appendix \_\_\_\_.)

\* On 04202016, Petitioner filed Petition for Writ of Mandate and Request for Stay of Proceedings? After Denial of Common Law Motion to Dismiss Because of Denial of Right to Speedy Trial, Due Process and Fair Trial and Notice of Motion to Dismiss Because of Denial of Right to Speedy Trial Regarding Charge of Violation of CAPC 415(1) arguing points: JUDGE PREJUDICALLY ERRED BY MALICIOUS IGNORANCE OF PETITIONER'S FULLY MERITORIOUS ARGUMENT, and DEFENDANT IS PRJUDICED BY RESTRAINT OF LIBERTY TO AN AREA. As result, at trial readiness conference scheduled 04212016, trial was vacated until 06152016 for time in lieu of decision pending upon request for stay. (Prosecutor Fritz Van Der Hoek filed his opposition 05092016? please refer to Appendix \_\_\_\_.) Decision upon is still pending untimely delayed by Appellate Division of Respondent Court. In full-faith effort, Petitioner visited clerk multiple times seeking said decision. Court continually informed Petitioner that said Petition has been sent for scrutiny to such as called an Attorney Unit? since 05092016 being same date prosecution filed its opposition. Facts provided concerning status raise serious suspicions about ex-parte, out-of-court contact with judge.

\* Actually, proceedings since 06222016 constituted Mistrial? At continued trial readiness on 06152016, Petitioner, again, requested continuance (with showing of cause and merit) in lieu of inordinate, untimely delay (by Appellate Department) of decisions upon his Petition for Writ of Mandate and Request for Stay therein. In response, Judge Maguire: 1) vacated conference until 06172016; 2) then, ordered parties to file papers? (and by vacated date of 06172016) informing Appellate Department concerning delays as above. Thereby, only less than two days were given for motion practice, per order, with disregard for statutory procedure at issue (reasonable deadlines). On 06172016, prior to hearing, Petitioner (being procedurally overburdened unfairly) filed an ANSWER TO RESPONDENT'S REPLY BRIEF addressing, as order, issue of said delays. (Please refer to Appendix \_\_\_\_.)

At continued hearing on 06172016, Judge Maguire informed of denial of stay and set jury selection to begin 06222016. Court prejudicially denied his motions for mistrial. Petitioner (at least) twice orally moved for mistrial upon above facts; he motioned on same date, in open court (06172016), and then during evidentiary procedure hearing (06222016). Judge reasoned, in part, that he only accepts motions in writing (and during oral argument proceedings).

\* Post further gross abuses abuses of discretion occurring between 06152016 and 06172016, trial wrongfully proceeded on 06222016. Several Due Process violations occurred during trial. Just three examples are as follows:

\* During voir-dire selection on 06232016, Supervisor of Woodland Police Department's Detective Unit was detected in jury box. Said presence of Officer (Agent of Party in Interest) evidenced intent to collude and conspire in acts of tampering and/or unduly coercing the jury? evidence of a tainted? jury

\* During fact-trying, prosecution based its case solely upon non-corroborated, unproven accusation of one accuser. Evidence presented (by prosecution) included:

1. Fabricated facts testified by informant as first witness [(being incompetent, irrelevant to charge, inconsistent and contradictory and thus challenged by Petitioner's motion to impeach on the record, and during cross-examination) (Black's Law Dictionary 409 Abridged 6th edition 1991)],

2. Electronic audio recording of dispatch call? the initial accusation? reported by said first witness (which included audible background of Petitioner, from a distance, orating about the false report while departing),

3. Second and last witness, Officer Guthrie of the Woodland Police Department testified that he did not witness incident at scene of complaint while further parol testimony only evidenced that Petitioner had departed scene of incident without Fighting.

\* Yet, jury reached wrongful verdict of guilty? and Petitioner was wrongfully convicted of violation of PC ss 415.

Furthermore, trial, to this date, is still incomplete. Court is delaying sentencing, hence judgement, egregiously inordinate. Jury decision and verdict on 06242016 has been last trial decision thus far. Judge, on same date, continued sentencing phase until 06292016. Therefore, under such Extraordinary Circumstances? (specifically with respect to delayed sentencing and judgement in bad-faith), Petitioner, on 06282016, filed Motion to Vacate Judgement arguing following headed points: CASE IS STILL PENDING UPON INORDINATELY DELAYED DECISION ON (PETITIONER'S) PETITION FOR WRIT OF MANDATE, and that FAIR TRIAL PREJUDICIALY HARMED BY UNDUE INFLUENCE UPON JURY. (Please refer to Appendix \_\_\_\_.)

\* On 06292016, at continued sentencing hearing, Maguire (conspicuously) retaliated maliciously against my most recent motion and with motive and intent to preemptively obstruct Post-Trial and succeeding causes for civil actions. On the record, the hearing was completely one-sided? Obstructionist. Petitioner appeared prepared to orate in support and in defense on issues relevant to sentencing by statute; He attempted to raise and then asserted to raise them. Maguire blatantly denied Due Process precluding right to speak. Continually, he interrupted attempts to assert right for hearing on matter. Furthermore, he reversed accused Petitioner overbearingly insisting he not interrupt? Maguire also forbade right to state objections during an Unconstitutional, ex-parte presentation? by the District Attorney's Office.

Court acted to unjustly Duress Petitioner to accept settlement offer for a nonstatutory, Unconstitutional alternate to sentencing. Judge opened with prosecution. A Christopher Bulkley, Deputy District Attorney appeared present? not prosecutor on record in the case and during trial (Fritz Van Der Hoek). Bulkley gave improper, prepared presentation endorsing (on record) a newly conceived program? the Diversionary Homeless Program? Accordingly, Petitioner would be Coerced to concede to Admission of Guilt, progress through stages of a thought-control program, accept Incompetent to Stand Trial? status and controlled, free housing for indefinite period of time (when I am not even native to this state or county).

Since I rejected said offer stating it to be unconstitutional on the record, Maguire persisted to Maliciously Retaliate with Gross Abuse of Discretion. Bulkley reiterated intent to Maliciously Raise Doubt about Competence to Stand Trial! Maguire threatened (even Blackmailed) with Prejudice in Sentencing Phase? an excessive, maximum jail term (upon wrongful conviction while refusing to hear Petitioner on issues at hand for which he came prepared) as ultimatum to offer? an alternate to



statutory punishments diverting Post-Trial Due Process. He Vindictively revoked Right to Self-Represent during sentencing and appointed Public Defender for counsel in error. Court specified revocation to be ?? ON THIS CASE ONLY FOR SENTENCING.? (Please see Appendix \_\_\_\_.) Judge verbally confirmed, per Petitioner's inquiry in open court. Petitioner otherwise remains Pro-Se in all cases. As reasoning, Maguire rationalized malicious prejudice against Petitioner's aggressive defense as behavior indicating mental incompetence. He argued oversimply. Petitioner's rejection of said counsel was believed by himself to be ?irrational.? Furthermore, Respondent refused to permit objections to Unconstitutional Acts of ?forcing a lawyer? upon a defendant while fully aware of Irreconcilable, Substantial Conflict with same counsel. Court continued sentencing until 07132016. Petitioner filed Faretta motion on 07112016. (Please see Appendix \_\_\_\_.)

Date for case 15-6705 concurrently with case 14-1219 has been set for 02162017. Meanwhile, continued ?trailing? date for case 13-3628 concurrently with 13-23865 has been set, separated from others, for 02212017. Scheduling occurred as result of 2 separate false arrests upon 4 false bench warrants by Woodland Police Department on 11152016 and 11212016.

Petitioner holds issued warrants constituted gross abuse of discretion and malicious Abuse of Legal Process on following grounds:

1. Although absent in Respondent court on 08242016, Petitioner was circumstantially unable to appear. He was occupied with procedure of serving Petition for Extraordinary Writ and while indigent, without adequate transportation and distant. 2. Petitioner requested stay of proceedings within Petition aforesaid. 3. Hearing date on 08242016 was set for multiplicity of matters in all cases simultaneously being continued since 07272016. Colluding public officials exploited anomalous ?trailing? procedure to harass Petitioner with multiplication of warrants and arrests upon single hearing. Petitioner was, during this time, constantly active preparing for sentencing and motion practice. Frivolous restraints disrupted his abilities to prepare and practice...

ANALYSIS

#### DEFENDANT'S RIGHT TO FAIR TRIAL PREJUDICED BY PROTRACTED RESTRAINT OF HIS LIBERTY TO AN AREA

A total accumulation of four criminal matters have overbearingly initiated by the Yolo County District Attorney's Office. Meanwhile, procrastination by public officials in these matters is overbearing upon the Defendant a type of Prosecutorial Harassment that is Bordering on Arrest by unjustly depriving Defendant of liberty and, also, life in that his opportunities for employment are disrupted; associations (such as Church affiliations) are severed and impaired unto ruin (with isolation & deep-seated ostracization) by protracted, punitive, procedural siege in a foreign region. Concurrently, impoverished without domicile, Defendant must expend time-consuming effort toward life-sustaining activities while balancing deliberative, exhaustive labor of Criminal Defense (once again & without income). Having, by necessity, to self-represent in such circumstances is depleting his resources; imposing impediments to conducive working conditions; retarding his ability to prepare for trial as a Fair Trial issue; inducing anxiety and inflicting distress reasonable to expect by reasonable person's standard.

Furthermore, Defendant is forced by necessity to self-represent (in all four cases) due to severely substantial conflict with counsel being in an unfair conflict with agents of the state. The pivotal case on the federal question concerning definition of standards for determining competence to self-represent, *Indiana v. Edwards*, spawned contributory research and analysis at issue for application in the states. In *The Journal of the American Academy of Psychiatry and the Law*, Psychiatrists Morris and Frerenson published a clinical study on choice to exercise Right to Self-Represent as a phenomena with analysis toward & professional guidelines related to forensic psychiatric practice & limitations of the decision & . The Defendant found article annotated in either *California Jurisprudence* or *American Jurisprudence* or some similar secondary authority for research under the topic of Competence to Self-represent confronted with in Case numbered 13-0003626 and for his Faretta motion.

Amongst positive reasons for such choice, vindicated by these researchers, include, & little trust in the fairness of the legal system & when it is reasonable to believe that Fiduciary Interests of & public defenders & are compromised since & they are employees of the state & (Douglas m. Morris, MD, and Richard L. Frerenson, MD, Pro Se Competence in the Aftermath of *Indiana v. Edwards*, 36 J Am Acad Psychiatry 551-557 (2008)). Obviously, such determinants would constitute an unfair conflict between a Defendant and Agents of the State necessitating self-representation for any adequate defense (especially if defendant is indigent). Defendant, and rationally by his experience, claims: evidence shows such a condition exists in this case pending (as well as others pending simultaneously) giving rise to a severely substantial conflict because of gross ineffective counsel by public defenders.

According to Serna, & Right to speedy trial protects criminal defendant against oppressive pretrial incarceration, anxiety, concern and disruption of his everyday life & (Serna v Superior Court (1985) 40 C3d 239). Furthermore, this Court reasoned, quoting from *U.S. v Marion*:

& Inordinate delay between arrest, indictment and trial may impair a defendant's ability to present an effective defense. But the major evils protected against by the speedy trial guarantee exists quite apart from actual or possible prejudice to an accused's defense. To legally arrest and detain, the Government must assert probable cause to believe the arrestee has committed a crime. Arrest is a public act that may seriously interfere with a Defendant's liberty, whether he is free on bail or not, and that may disrupt his employment, drain his financial resources, curtail his associations, subject him to (reputation harm), and create anxiety in him, his family and friends & (U.S. v Marion (1971) 404 US 307 as quoted in Serna v Superior Court (1985) 40 C3d 239).

Proceeding on these actions would not serve justice, but only prejudice the Petitioner in that the delays are causing undue disruption to his life without justifiable cause. At time of arrest, he did not have outstanding warrants, nor a criminal record. Indigent, Petitioner is not resident to the area. He intends to move on and tend to important life matters, yet his liberty to move is restrained by violation of Speedy Trial Rights & and without income & in proceedings pending for total of over three and one-half years in Respondent Court. Finally, in lieu of above, Petitioner has already punitively suffered in excess of maximum sentences for all cases together in total by said restraints.

#### POINT IN SUPPORT OF JOINDERING CLAIMS FOR EXTRAORDINARY RELIEF

Petitioner's Fair Trial and Due Process Rights have been prejudiced prima-facie in each case by anomalous procedures ordered throughout all pendencies together. All prosecutorial actions named herein (cases 13-3628, 1323865, 14-1219 and 15-6705) are connected together in same schema effecting accumulated Overburden unfairly constituting Abuse of Legal Process via Retaliatory and Malicious Prosecutorial and Procedural Harassment. They all have been initiated against Petitioner upon complaints by Real Party in Interest alleging charges. As Gross Abuses of Discretion by Respondent Court, they prove Conspiracy to Commit Infractions against Petitioner's Fundamental Rights amongst Agents of the State in Yolo County colluding.

Pursuant to CACCP & 1109, petition for Extraordinary Writ initiates a form of civil action and rules of procedure prescribed in CCP & 307-1062.20 apply. Pursuant to CCP & 427.10), a cross-complainant may join any causes of action he or she has against party making complaint against the same. The purpose of statutory provision for joinder & is to permit joinder in one action of several causes arising out of related transactions and involving common issues. The statute should be liberally construed so as to permit joinder whenever possible in furtherance of this purpose & (Moe v Anderson (2012) 207 Cal. App. 4th 826).

For purposes of this Petition for Extraordinary Writ, Petitioner is same as cross-complainant by definition. He possesses these multiple civil causes of action for relief with merit against same party being Real Party in Interest named herein. Therefore, it is in the interest of justice that this court joinder said cases as causes together and issue its peremptory writ ordering Respondent to dismiss in all cases and terminate all prosecutorial actions aforesaid.

#### COURT PREJUDICIALLY ERRED IN ORDERING WARRANT FOR ARREST CHARGING CONTEMPT OF COURT

At 1330 on 007272016, post gross denial of process during 1000 docket, presiding judge (Daniel Maguire) overzealously ordered warrant for arrest charging vindictively acts of misbehavior by Petitioner upon Prosecutor's request ex parte. Judge prejudicially erred in granting order with motive to retaliate by act of vindictive Prosecution in a Conspiracy to Commit Constitutional violations.

On Wednesday 07272016 at 1000, as Defendant self-representing, Petitioner arrived to appear for hearing upon motions at the Superior Court, Yolo County Department 10. As overburdening, arbitrary procedure, hearing was upon 3 separate matters in 2 separate cases. By noon, Petitioner was blatantly denied



hearing although present. Judge called break for lunch at end of calendared docket session. He then, as recurrence amongst 47 hearings frequented by such prejudicial treatment, rationalized that my cases involve too many issues and take too long. Meanwhile, matters for others were heard dramatically longer than typical for Petitioner at bench. Omission constituted flagrant Due Process denial and Procedural Harassment. Improper, it caused excessive disruption to my day. I had other matters to tend to and for survival being discriminatorily delayed in court.

During scheduled session, a bailiff of the Sheriff's Department vindictively baited to entrap with discriminatory action in open court. Petitioner entered line to approach bench. Bailiff initiated to remove me from the courtroom unreasonably and imprudently. Off the record, as session concluded, Petitioner urgently communicated (as he was being removed) asserting his right for hearing without inordinate prejudicial delay effected. Judge silently ignored, left bench for lunchbreak without acknowledging issue.

Petitioner returned 1440 during afternoon docket for addressal of issue. During interim, he had tended to personal necessary matters not able to arrive at exactly 0130 when, circumstantially, court procedurally defaulted previous. Also, it is customary for counsel to arrive enter line during course of session to be heard. Same bailiff persisted enforcing that Petitioner remain outside courtroom and presented minute order recording. People request a warrant based upon Defendant's contempt/behavior in court. Petitioner requested callback. After Bailiff attempted further baiting with repeated, irrelevant, circular questioning and responses, he accommodated.

Judge called Petitioner to bench then informed on record that he refused to hear him on date. Specific Deputy District Attorney was now absent, although others were then present. Matters were not continued. Judge imposed one minute for requested statement on the record and cut it short.

Petitioner's spoken words were not in themselves contemptuous nor uttered in an insolent or defiant manner (Rose v Superior court in and for Los Angeles County (1934) 140 Cal. App. 418). He acted within right, in context, addressing blatant denial of Due Process as Constitutional Fundamental Right. His act possessed justifiable showing of cause necessary toward aggressive defense addressing distressingly expedient issue; especially factoring extraordinary circumstances resulting from prolonged pattern of Abuse of Legal Process harassing petitioner in a harmful manner (as above). His statement failed to warn before taking disciplinary action against (Petitioner) during ex-parte proceeding subsequent with Prosecutor (Gallagher v Municipal Court of City of Los Angeles (1948) 31 Cal. 2d 784; in re Buckley (1973) 10 Cal. 3d 237).

Petitioner did not persistently interrupt court proceedings (as) an attorney as to embarrass the administration of justice (In re Hallimann (1932) 126 Cal. App. 121). Pro Se, he possessed the duty to protect (his) interests (as Defendant) and press legitimate argument and to protest an erroneous ruling which was, by omission, act obstructing justice by Due Process (In re Hallimann, Supra).

Here, summary contempt power must not stifle freedom of thought and speech so necessary to a fair trial under the adversary system (In re Hallimann, Supra). The court must not unduly interfere with representation's obligation to vigorously represent interests of a Defendant; apparent disrespect was objectively clear but the subjective impression of the judge (DeGeorge v Superior Court (1974) 40 Cal. App. 3d 305). Extraordinary Circumstance of Overburden in lieu of Abuses of Legal Process make it impracticable for Petitioner to file timely several motions at issue (such as Change of Venue, Disqualify Judge and Prosecutor) not several Petitions for each case. Therefore, it would be in the interest of justice for Court to order stay on all proceedings in all cases against Petitioner per requests and in joinder of causes. Doctrine of laches (in fairness) rules at issue...

James E. Horton, In Propria Persona...

#### DECLARATION OF JAMES E. HORTON IN SUPPORT PURSUANT TO CA Rules Of Court 8.486(3) IN LIEU OF NON-POSSESSION OF PROPER TRANSCRIPTS

I, James E. Horton, as Defendant In Propria Persona, declare under penalty of perjury, on information and belief, under the laws of the State of California that the foregoing is true and correct.

Whereas, on 06222016, Petitioner filed request for transcript of trial readiness conference on 06152016 with Court Reporter's Office at Respondent Court.

Whereas, on 06232016, Petitioner filed request for transcript of trial beginning 0622016.

Whereas, on trial date of 06242016, obviously responsive to requests filed aforesaid, court reporter, Lisa Schafer, approached Petitioner present in courtroom communicating transcripts would not ever be provided to him. She claimed: her manager informed her of policy accordingly, instructed her to inform petitioner of said policy based on grounds that a fee waiver was never ordered covering (when a fee waiver had been granted recorded in court file which Petitioner previously had received transcripts upon during pre-trial and when such delivery is at cost of the state in criminal proceedings by statute and relevant Judicial Council rules).

Whereas, on 06242016, petitioner filed application for fee waiver specifically for transcripts and Respondent filed order denying request on either 06252016 or 06272016 reasoning. Judgement has not issued and no appeal is pending. Request may be re-submitted after entry of judgment. Judge dated order signed as, June 25, 2016. Case Summary Report reflects Order denying Fee Waiver dated 06272016.

Whereas, on 06272016, Petitioner filed request for hearing about court fee waiver order; court set order to appeal order for 07272016 which was continued since Petitioner was denied procedure on said date.

Whereas on 07012016, Petitioner filed application for waiver specifying request for transcripts to attach to Petitions despite for appeal other proper motions for extraordinary relief.

Whereas, court has procedurally defaulted on ignoring Petitioner's application filed 07012016.

Whereas, Petitioner filed Request to Waive Additional Court Fees on 07152016 specifying transcripts were needed for Petitions and for Faretta motion, not appeal.

Whereas, on 07192016, judge, delaying request filed 07152016, ordered another fee waiver hearing date for 08242016 being same date set for continued sentencing, warrant review, hearing upon Faretta motion and multitude of other matters for all cases simultaneously as Procedural Harassment and Abuse of Legal Process.

Thereby, despite Petitioner's full-faith and diligence to acquire proper transcripts, Respondent Court has denied delivery and they are unavailable for attachment. MOTION TO DISQUALIFY JUDGES

Petitioner, James E. Horton, Pro se, in forma pauperis, now comes attesting as follows:

Numerous contingencies of cases at issue to petition attached show, prima facie, that public officials at the Superior Court of the State of California, County of Yolo, respondent, possesses malice intent toward him and are hostile to his Fundamental Rights. They are clearly incapable of being impartial.

Respondent is harming said Petitioner's ability to prepare defense with unjust overburden by accumulative prosecutorial harassment, speedy trial and due process denials and infractions disrupting his life. Therefore, he lacks time for further research at issue for this motion.

Wherefore, Petitioner hereby moves this court, however, to issue its decision, mandate or order, upon whatever merits by applicable law are obvious prima facie, to disqualify all judges of said respondent court from hearing matters and adjudicating further in Petitioner's cases immediately with stay. Even if precedential, granting this motion serves the interest of justice when weighing presumptive issues...

IN THE SUPREME COURT OF

THE STATE OF CALIFORNIA James E. Horton Case No. C08425 MOTION TO COMPEL RECORD AND TRANSCRIPTS NEEDED FOR REVIEW

Despite Petitioner's full-faith and diligence to acquire adequate record, Respondent Court has denied delivery and it is unavailable for attachment. (Please refer to Declaration in SUPPORT PURSUANT TO CA RULES OF COURT 8.486(3) IN LIEU OF NON-POSSESSION OF PROPER TRANSCRIPTS attached as pg. 23 of Appendix A.) Petitioner has conveyed, to Appellate Court, intent to compel documents from lower court and Real Party in Interest subsequent to and upon



filing of his petition. (Please refer to DECLARATION ♦ IN SUPPORT PURSUANT TO CA RULES OF COURT ♦ 8.486(B)(2) IN LIEU OF NON-POSSESSION OF FILESTAMPED HARD COPIES TO APPENDIX attached as pg. 22 of Appendix A.) Respondent Court immediately Summarily Denied improperly without allowing for the above. Transcripts and case-file record are necessary pursuant to CA Rules of Court ♦ 8.486.

Furthermore, Petitioner avers experiencing deprivation of mail delivery by post offices in Yolo County consistent with much evidencing collusion amongst public officials to commit retaliatory misconduct and out of court. Although not able to substantiate evidentiary here now, Petitioner pleads this court to justly factor assertion, its possibility, regarding a conspiracy to commit various harmful violations causing Petitioner, indigent, to be destitute of a reliable, physical mailing address. (Recently prior to respondent judge McGuire's acquisition of position at the bench, he served as non-judge in executive cabinet of Governor Schwarzenegger at the capitol of the state of California and possesses connectivities to misappropriate toward such an asserted design.) Therefore, he demands delivery by attachment and transmission, and void of any further procedural requirement (statutory or otherwise) upon Petitioner (as they would obstructive to his presumptive rights at issue) serviced to his email address herein provided which he is able to access even under Extraordinary Circumstances imposed as averred. He desperately needs copies for his records for defense. Wherefore, even if precedental in the interest of justice procedurally, Petitioner hereby moves this court for an order compelling respondent to deliver transcripts and case-file records... [Concluded]

#### Relevant Diary Records:

##### CANTONITES WHO HAVE CONFLICTED WITH ME

Atty. Frank Forchione: Unhelpful with my valid complaints with Marie as prosecutor. [Currently, judge of Common Pleas]

Atty. Christine Johnson: Convicted of fraud after acting as G.A.L.

Law Director Joseph Martuccio: Externship at Law Dept. He said "If you tell what goes on here, your dead... just kidding" during my interview. I assumed he was kidding.

Atty. George Urban: My law teacher at Brown Mackie. He told me to put my Bible away in class. He got in my face and yelled about Adam and Eve's free-will. It was bizarre.

Vice Squad: When I reported about Marie.

Ex-management of American Rescue Workers (the Walkers and Larry Martin): After my stay in late 2004, they were raided for corruption. I spoke of my experiences.

Atty. Morello: He represented Marie.

Marie Brosky: Assaults at the house and evidence from P.I.

Various people I have met at the Y.M.C.A. since I moved in 1999: I did not run in the same flood of dissipation with drugs and prostitutes and so on. Many became hostile for this. I did not condone their ways although I treated them with dignity as human beings. They resented it. (Where do they get the drugs from?)

CANTON CHILDREN SERVICES: Per Marie's report, they claimed that I "gave them so much attitude that they had to get the 'manager'". I see the incident differently. I feel I was treated with incredulity and discrimination as a non-custodial father. I was only persistent about my concerns. The predominantly female staff were consistently attitudinal and derogatory. I felt disrespected as a concerned parent.

##### CANTONITES WHO KNOW ME

Judge Michael Howard: I was active as my own attorney during my Domestic cases. I attracted a lot of attention with my innocent activities at Family Court. During my externship at the Law Dept.:

Atty. Jason Reese: I did work for him dealing with landlords. He acknowledges me on the street.

Atty. Kathleen O. Tatarsky: I drafted memorandum for her and organized her files.

Judge John Poulos: I observed court room procedure under him during my externship. He acknowledges me on the street...



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N/A Tordgast

Federal Bureau of Investigation  
4th Cleveland Field Office  
1501 Lakeside Avenue  
Cleveland, OH 44114





James E. Hester  
N/A Indigent  
Email Address: jehester@jehester.com  
February 11, 2020

Federal Bureau of Investigation  
1501 Lakeside Avenue  
Cleveland, OH 44114

On 01/01/2020, I reported portions of the attached information via the FBI's online tip form. I selected "Ohio" for region. Limitations of content precluded report as thoroughly intended. Therefore, I am, hereby, corresponding to report full intent in letter by mail.

Sincerely,  
James E. Hester  
James E. Hester, Pro Se, Inc.  
Forma Papers



















being through present. Judge called break for lunch at end of calendared docket session. He then, as recurrence amongst 47 hearings frequented by such prep work, indicated that my cases involve too many issues and take too long. Meanwhile, matters for others were heard dramatically longer than typical for me to sit at bench. Omission constituted flagrant Due Process denial and Procedural Harassment. Improper, it caused excessive disruption to my day. I had other matters to tend to and for survival being discriminatorily delayed in court.

During scheduled recess, a bailiff of the Sheriff's Department vindictively baited to entrap with discriminatory action in open court. Petitioner ordered me to approach bench. Bailiff refused to remove me from the courtroom unreasonably and imprudently. Off the record, as session concluded, Petitioner urgently communicated (as he was being removed) asserting his right for hearing without inordinate prejudicial delay effected. Judge silently ignored, left bench for lunchbreak without acknowledging issue.

Petitioner returned 1:45 during afternoon docket for addressal of issue. During interim, he had tended to personal necessary matters not able to arrive at exactly 1:30 when, circumstantially, court procedurally defaulted previous. Also, it is customary for counsel to arrive enter line during course of session to be heard. Same bailiff persisted enforcing that Petitioner remain outside courtroom and presented minute order recording. People request a warrant based upon Defendant's contumacious behavior in court. Petitioner requested callback. After Bailiff attempted further baiting with repeated, irrelevant, circular questioning and response, he accommodated.

Judge called Petitioner to bench then informed on record that he refused to hear him on date. Specific Deputy District Attorney was now absent, although others were then present. Matters were not continued. Judge imposed one minute for requested statement on the record and cut it short.

Petitioner's spoken words were not in themselves contemptuous nor uttered in an insolent or defiant manner (Yuse v Superior Court in and for Los Angeles County (1934) 142 Cal. App. 418). He acted within right, in context, addressing blatant denial of Due Process and Constitutional Fundamental Right. His act possessed justifiable showing of cause necessary toward aggressive defense addressing distressingly expedient issue, especially factoring extraordinary circumstances resulting from prolonged pattern of Abuse of Legal Process harassing petitioner in a harmful manner (as above). His statement failed to warn of taking disciplinary action against (Petitioner) during ex-parte proceeding subsequent with Prosecutor (Callagher v Municipal Court of City of Los Angeles (1948) 31 Cal. 2d 784, where Buckley (1973) 12 Cal. 3d 237).

Petitioner did not persistently interrupt court proceedings (as) an attorney as to embarrass the administration of justice (in re Hallmann (1932) 126 Cal. App. 121). Pro Se, he possessed the duty to protect (his) interests (as Defendant) and press legitimate argument and to protect an erroneous ruling which was by omission, act obstructing justice by Due Process (in re Hallmann, Supra).

Here, summary contempt power must not stifle freedom of thought and speech so necessary to a fair trial under the adversary system (in re Hallmann, Supra). The court must not unduly interfere with representation (DeGeorge v Superior Court (1974) 40 Cal. App. 3d 305).

Objectively clear but the subjective impression of the judge (DeGeorge v Superior Court (1974) 40 Cal. App. 3d 305). Extraordinary Circumstance of Overburden in lieu of Abuses of Legal Process make it impracticable for Petitioner to file timely several motions at issue (such as Change of Venue, Disqualify Judge and Prosecutor) not several Petitions for each case. Therefore, it would be in the interest of justice for Court to order stay on all proceedings in all cases against Petitioner per requests and in jinder of causes. Doctrine of laches (in fairness) rules at issue.

James E. Horton, In Propria Persona

#### DECLARATION OF JAMES E. HORTON IN SUPPORT PURSUANT TO CA RULES OF COURT 8.486(3) IN LIEU OF NON-POSSESSION OF PROPER TRANSCRIPTS

I, James E. Horton, as Defendant In Propria Persona, declare under penalty of perjury, on information and belief, under the laws of the State of California that the foregoing is true and correct.

Whereas, on 06222016 Petitioner filed request for transcript of trial readiness conference on 06152016 with Court Reporter's Office at Respondent Court.

Whereas, on 06232016 Petitioner filed request for transcript of trial beginning 0622016.

Whereas, on trial date of 06242016 obviously responsive to requests filed aforesaid, court reporter, Lisa Schafer, approached Petitioner present in courtroom communicating transcripts would not ever be provided to him. She claimed her manager informed her of policy accordingly, instructed her to inform petitioner of said policy based on grounds that a fee waiver was never ordered covering (when a fee waiver had been granted recorded in court file which Petitioner previously had received transcripts upon during pre-trial and when such delivery is at cost of the state in criminal proceedings by statute and relevant Judicial Council rules).

Whereas, on 06242016, petitioner filed application for fee waiver specifically for transcripts and Respondent filed order denying request on either 06252016 or 06272016 reasoning, Judgment has not issued and no appeal is pending. Request may be re-submitted after entry of judgment. Judge dated order signed as June 25, 2016. Case Summary Report reflects Order denying Fee Waiver dated 06272016.

Whereas, on 06272016, Petitioner filed request for hearing about court fee waiver order, court set order to appeal order for 07272016 which was continued since Petitioner was denied procedure on said date.

Whereas, on 07012016, Petitioner filed application for waiver specifying request for transcripts to attach to Petitions despite for appeal other proper motions for extraordinary relief.

Whereas, court has procedurally defaulted on ignoring Petitioner's application filed 07012016.

Whereas, Petitioner filed Request to Waive Additional Court Fees on 07152016 specifying transcripts were needed for Petitions and for Faretta motion, not appeal.

Whereas, on 07152016, judge, denying request filed 07152016, ordered another fee waiver hearing date for 08242016 being same date set for continued sentencing, warrant review hearing upon Faretta motion and multitude of other matters for all cases simultaneously as Procedural Harassment and Abuse of Legal Process. Thereby, despite Petitioner's full faith and diligence to acquire proper transcripts, Respondent Court has denied delivery and they are unavailable for attachment. MOTION TO DISQUALIFY JUDGES

Petitioner, James E. Horton, Pro Se, in forma pauperis, now comes attesting as follows:

Numerous contingencies of cases at issue to petition attached show prima facie, that public officials at the Superior Court of the State of California, County of [redacted] respondent, possesses malice intent toward him and are hostile to his Fundamental Rights. They are clearly incapable of being impartial.

Respondent is harming said Petitioner's ability to prepare defense with unjust overburden by accumulative prosecutorial harassment, speedy trial and due process denials and intrusions disrupting his life. Therefore, he lacks time for further research at issue for this motion.

Wherefore, Petitioner hereby moves this court, however, to issue its decision, mandate or order, upon whatever merits by applicable law are obvious prima facie to disqualify all judges of said respondent court from hearing matters and adjudicating further in Petitioner's cases immediately with stay. Even if presumes granting this motion serves the interest of justice when weighing presumptive issues.

IN THE SUPERIOR COURT OF

THE STATE OF CALIFORNIA, James E. Horton Case No. 008425 MOTION TO COMPEL RECORD AND TRANSCRIPTS NEEDED FOR REVIEW

James E. Horton, Petitioner, vs. [redacted] Respondent. Respondent Court has denied delivery and it is unavailable for attachment. (Please refer to Respondent's SUPPLEMENTAL AFFIDAVIT TO CA RULES OF COURT 8.486(3) IN LIEU OF NON-POSSESSION OF PROPER TRANSCRIPTS attached via reg. 20.) Respondent's Petitioner has requested to Appellate Court intent to compel documents from lower court and Rule Petition (Petitioner) subsequent to said appeal.







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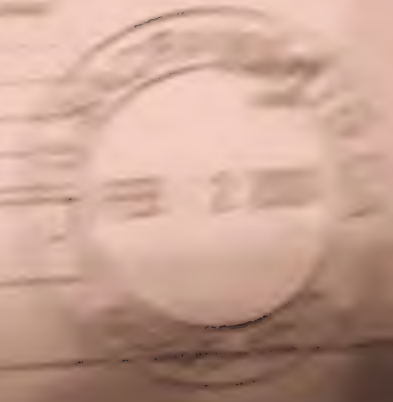
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(M-D), illegal items or articles of unusual value, including but not limited to cash. In addition, the Carrier's tariff, service guide, or terms and conditions may accept some forms of ORM-D. Parcels containing "food" (as defined in section 201 (f) of the Federal Food, Drug, and Cosmetic Act), are subject to applicable terms and conditions in the Carrier's Terms and Conditions in effect on the date of shipment.

subject to the UPS/Tariff Terms and Conditions of Service ("UPS Terms") in effect on the date of shipment, which are available at [www.ups.com/terms](http://www.ups.com/terms). The Carrier's liability with respect to the transportation of Your parcel(s) and are hereby incorporated in full into the UPS Terms and Conditions of Service. CERTIFICATION AND CLASS ACTION WAIVER, which apply to any controversy or claim, whether at law or equity, arising out of or in connection with the shipment of such dispute, except for claims that may be filed in courts of limited jurisdiction such as small claims, justice of the peace, magistrate court or civil disputes.

We are not the Carrier's agent. You agree that We will be deemed the shipper of Your parcel(s) with the Carrier and that You are not the shipper of Your parcel(s) against the Carrier. Any rights You may have to recover damages or other compensation with respect to the transportation of Your parcel(s) are limited to those rights described in the Carrier's Terms and Conditions or in this PSO. You agree that We, as the shipper of Your parcel(s), are solely responsible for transporting Your parcel(s).

very of Your parcel(s) or for loss or damage by any cause to the parcel(s) or their contents that occurs after We tender Your parcel(s) to the Carrier, You request a signature on delivery and pay any applicable charge. You agree that the Carrier is not liable for loss or damage occurring after delivery including all terms and conditions related to Your participation in the optional Declared Value Program.

liability is only an estimate, and is not warranted in any manner. We are not liable for any consequential, indirect, special, incidental or punitive damages. Our responsibility for damage to items caused by improper packing by Us is limited to any applicable Declared Value Program or other applicable program.

liability for loss or damage to Your parcel(s) is strictly limited to the amounts set forth in this PSO and the Carrier's Terms and Conditions (in the absence of a Declared Value Program). Liability for loss or damage is limited to Your actual damages or \$100 per parcel, whichever is less, unless You declare a value above the Declared Value Program. We and the Carrier are not liable or responsible for items of unusual value, precious metals, negotiable instruments, or other items of value. Liability is excluded, under the Carrier's Terms and Conditions. Additional terms and conditions governing loss or damage claims can be found in the Carrier's Terms and Conditions.

declared value limits for loss or damage, subject to terms and conditions (including monetary limits) ("Declared Value Program"). The declared value of Your parcel(s) is limited to the amount declared by You. We surcharge the cost of this product. If You elect to participate in the Declared Value Program, You agree to declare the value of each parcel does not exceed the amount You declared as the value of each parcel does not exceed \$100. If You do not declare a value above \$100 and pay an additional charge for a parcel containing items of greater value than the declared value, the Carrier's terms and conditions, including monetary limits, for its Declared Value Program are located in the Carrier's Terms and Conditions.

damage to Your parcel(s) under the Declared Value Program, You agree to make the claim through Us. If You make such claim through Us, We will attempt to recover the claim paid to Us by the Carrier for Your parcel(s). You expressly agree that We have no liability if any claim is made by You. If You make a Guaranteed Service Refund (GSR) request to UPS, You agree to provide to UPS (and hereby authorize Us to provide to UPS) Your signature and a copy of the shipment receipt, and proof of the value of the lost or damaged items for any claim.

under any Declared Value Program must be in writing and received by Us within the Carrier's required time frame as set forth in the Carrier's Terms and Conditions. For all damage claims, the original packaging materials must be made available for the Carrier's inspection prior to the shipment of the documents, including but not limited to this PSO and a copy of the shipment receipt, and proof of the value of the lost or damaged items for any claim.

Carrier for Your parcel(s), if You believe any parcel is eligible for a refund under the UPS Service Guarantee as set forth in the UPS Terms, You must contact Us within the prescribed time frame. If You do not contact Us within the prescribed time frame, any claim to a refund under the UPS Service Guarantee is void.

Inc. and solely responsible for all aspects of Our operations. We are the exclusive employer of all employees of Our business. You acknowledge and agree that We are not the employer or joint employer of the employees of Our business. This PSO constitutes the entire agreement between You and Us, and supersedes all other agreements, written or oral, relating to the subject matter hereof.

ness is accurate for each parcel (ii) You confirm the Declared Value for each parcel, if any, is correct (iii) You have read and reviewed the terms and conditions of this PSO and agree to be bound by them (iv) You agree that this PSO constitutes binding and enforceable obligations of You. YOU FURTHER acknowledge that the Carrier's Terms and Conditions, including its affiliates) arising out of or relating to provision of service by UPS are subject to individual terms and conditions. [www.ups.com/terms](http://www.ups.com/terms)

Thu 5 Mar 2020

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TRANSACTION DATE

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